

1 THE HONORABLE BARBARA J. ROTHSTEIN
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE
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12 WADE K. MARLER, DDS, *et al.*,
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14 Plaintiffs,
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16 v.
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18 ASPEN AMERICAN INSURANCE
19 COMPANY,
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21 Defendant.
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24 NO. 2:20-cv-00616-BJR
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26 KARA MCCULLOCH DMD MSD PLLC, *et
al.*,
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28 Plaintiffs,
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30 v.
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32 VALLEY FORGE INSURANCE
33 COMPANY, *et al.*,
34
35 Defendants.
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38 NO. 2:20-cv-00809-BJR
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40 CABALLERO,
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42 Plaintiff,
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44 v.
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46 MASSACHUSETTS BAY INSURANCE
47 COMPANY,
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49 Defendant.
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51

52 NO. 2:20-cv-05437-BJR
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54 STIPULATION AND ORDER REGARDING MOTION FOR CLASS
55 CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
56 BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
57 2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 1

58 **KELLER ROHRBACK L.L.P.**

59 1201 Third Avenue, Suite 3200
60 Seattle, WA 98101-3052
61 TELEPHONE: (206) 623-1900
62 FACSIMILE: (206) 623-3384

1 CHORAK, *et al.*,

NO. 2:20-CV-00627-BJR

2 Plaintiffs,

3 v.

4 HARTFORD CASUALTY INSURANCE
5 COMPANY, *et al.*,

6 Defendants.

7
8 PACIFIC ENDODONTICS, P.C., *et al.*,

NO. 2:20-CV-00620-BJR

9 Plaintiffs,

10 v.

11 OHIO CASUALTY INSURANCE
12 COMPANY, *et al.*,

13 Defendants.

14
15 NGUYEN, *et al.*,

NO. 2:20-cv-00597-BJR

16 Plaintiffs,

17 v.

18 TRAVELERS CASUALTY INSURANCE
19 COMPANY OF AMERICA, *et al.*,

Defendants.

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26 STIPULATION AND ORDER REGARDING MOTION FOR CLASS
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2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 2

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

1 LA COCINA DE OAXACA LLC,

2 Plaintiff,

3 v.

4 TRI-STATE INSURANCE COMPANY OF
5 MINNESOTA,

6 Defendant.

NO. 2:20-CV-01176-BJR

8 MARK GERMACK DDS,

9 Plaintiff,

10 v.

11 THE DENTISTS INSURANCE COMPANY,

12 Defendant.

NO. 2:20-CV-0661-BJR

14
15 **STIPULATION**

16 **Whereas,**

17 1. From April through November of 2020, the plaintiffs in the above-captioned cases
18 filed original complaints for business interruption insurance coverage in this district. Certain of
19 these actions were stayed for periods of time pending review of the actions by the Judicial Panel
20 on Multidistrict Litigation (JPML) for potential consolidation and transfer.

21 2. After the JPML denied consolidation, the Court by order dated November 10,
22 2020, consolidated cases in this district by insurer family, and stayed discovery in each of the
23 consolidated cases until such time as the Court rules on dispositive motions.

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26 STIPULATION AND ORDER REGARDING MOTION FOR CLASS
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2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 3

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

3. On November 24, 2020, the Court granted the parties' Stipulated Motions for Amended Complaints and Briefing of Dispositive Motions and ordered amended complaints in the consolidated actions be filed no later than November 25, and that the briefing of dispositive motions in each of the consolidated cases be completed by March 5, 2021.

4. Under Local Rule 23(i)(3), there is a deadline to file a motion for class certification within 180 days of filing a complaint.

Now, therefore, in light of the Court’s orders, including the current discovery stay until the Court rules on dispositive motions, counsel for the parties agree that good cause exists to continue the date upon which the Plaintiffs shall file their motions for class certification pursuant to Local Civil Rule 23(i)(3).

The parties stipulate and request that a comprehensive case schedule, including deadlines for fact and expert discovery and (for class action cases) the filing of a motion for class certification, be set by the Court, if necessary, after the Court rules on the dispositive motions.

ORDER

Having reviewed the parties' stipulation, and finding that good cause exists for the requested relief from LCR 23(i)(3), the Court will, if necessary, issue a case schedule setting deadlines for fact and expert discovery and for Plaintiffs (in the class action cases) to file their motions for class certification in the above-referenced actions after the Court rules on the dispositive motions, which are scheduled to be fully briefed and filed no later than March 5, 2021, pursuant to the Court's November 24, 2020 Scheduling Order entered in the actions.

DATED this 7th day of January, 2021.

STIPULATION AND ORDER REGARDING MOTION FOR CLASS CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 4

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

1
2
3
4
5
6
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8
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10
11
12
13
14
15
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20
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Barbara J. Rothstein
UNITED STATES DISTRICT JUDGE

Presented By:

KELLER ROHRBACK L.L.P.

By: s/ Amy Williams-Derry

By: s/ Lynn L. Sarko

By: s/ Gretchen Freeman Cappio

By: s/ Ian S. Birk

By: s/ Irene M. Hecht

By: s/ Karin B. Swope

By: s/ Nathan L. Nanfelt

Amy Williams-Derry, WSBA #28711

Lynn Lincoln Sarko, WSBA #16569

Gretchen Freeman Cappio, WSBA #29576

Ian S. Birk, WSBA #31431

Irene M. Hecht, WSBA #11063

Karin B. Swope, WSBA #24015

Nathan Nanfelt, WSBA #45273

1201 Third Avenue, Suite 3200

Seattle, WA 98101

Telephone: (206) 623-1900

Fax: (206) 623-3384

Email: a.williams-derry@kellerrohrback.com

Email: lsarko@kellerrohrback.com

Email: gcappio@kellerrohrback.com

Email: ibirk@kellerrohrback.com

Email: ihecht@kellerrohrback.com

Email: kswope@kellerrohrback.com

Email: mfalecki@kellerrohrback.com

Email: nnanfelt@kellerrohrback.com

By: s/ Alison Chase

Alison Chase, *pro hac vice forthcoming*

801 Garden Street, Suite 301

Santa Barbara, CA 93101

Telephone: (805) 456-1496

Fax: (805) 456-1497

Email: achase@kellerrohrback.com

STIPULATION AND ORDER REGARDING MOTION FOR CLASS
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BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 5

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200

Seattle, WA 98101-3052

TELEPHONE: (206) 623-1900

FACSIMILE: (206) 623-3384

1 *Attorneys for Plaintiffs Nguyen et al., Pacific
2 Endodontics, et al., Chorak et al., Marler et al.,
3 McCulloch, et al., Caballero, Germack, La
Cocina de Oaxaca LLC, Owens Davies, P.S., and
The Seattle Symphony Orchestra*

4 **RUIZ & SMART
5 PLAINTIFF LITIGATION PLLC**

6 By: s/ William C. Smart

7 By: s/ Isaac Ruiz

8 By: s/ Kathrn Knudsen

9 William C. Smart, WSBA #8192

10 Isaac Ruiz, WSBA #35237

11 Kathryn M. Knudsen, WSBA #41075

12 Email: wsmart@plaintifflit.com

13 Email: iruiz@plaintifflit.com

14 Email: kknudsen@plaintifflit.com

15 *Attorneys for Plaintiffs Jennifer Strelow,
16 DMD and Shokofeh Tabaraie DDS PLLC*

17 **HACKETT, BEECHER & HART**

18 By: s/ Brent W. Beecher

19 Brent W. Beecher, WSBA #31095

20 601 Union Street, Suite 2600

21 Seattle, WA 98101

22 Telephone: (206) 787-1830

23 Email: bbeecher@hackettbeecher.com

24 *Attorneys for Seattle Bakery, LLC, CSQBKR2018,
25 LLC, Piroshky Piroshky Baker, LLC,
26 Piroshky Baking Company, LLC,
SCRBK2017, LLC*

27 **THE LOYD LAW FIRM, P.L.L.C.**

28 By: s/ Shannon Loyd

29 Shannon Loyd

30 12703 Spectrum Drive, Suite 201

31 San Antonio, Texas 78249

32 Telephone: (210) 775-1424

33 Facsimile: (210) 775-1410

34 Email: shannon@theloydlawfirm.com

35 *Attorneys for Plaintiff J Bells LLC*

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37 **KELLER ROHRBACK L.L.P.**

38 1201 Third Avenue, Suite 3200

39 Seattle, WA 98101-3052

40 TELEPHONE: (206) 623-1900

41 FACSIMILE: (206) 623-3384

1 **GORDON TILDEN THOMAS &**
2 **CORDEL LLP**

3 By: s/ Mark A. Wilner
4 Mark A. Wilner, WSBA #31550
5 One Union Square
6 600 University Street, Suite 2915
7 Seattle, WA 98101
8 Telephone: (206) 467-6477
9 Fax: (206) 467-6292
10 Email:<mailto:fcordell@gordontilden.com>
11 mwilner@gordontilden.com

12 *Attorneys for Plaintiffs Suneet Bath,
13 Noskenda Inc.*

14 **GORDON TILDEN THOMAS &**
15 **CORDEL LLP**

16 By: s/ Franklin D. Cordell
17 By: s/ Kasey D. Huebner
18 Franklin D. Cordell, WSBA #26392
19 Kasey D. Huebner, WSBA #32890
20 One Union Square
21 600 University Street, Suite 2915
22 Seattle, WA 98101
23 Telephone: (206) 467-6477
24 Fax: (206) 467-6292
25 Email: fcordell@gordontilden.com
26 Email: khuebner@gordontilden.com

27 *Attorneys for Plaintiff The Seattle Symphony
28 Orchestra*

29 **SIDLEY AUSTIN LLP**

30 By: s/ Robin E. Wechkin
31 Robin E. Wechkin, WSBA No. 24746
32 1420 Fifth Avenue, Suite 1400
33 Seattle, WA 98101
34 Telephone: (415) 439-1799
35 Email: rwechkin@sidley.com

36 Yvette Ostolaza (pro hac vice)
37 Yolanda C. Garcia (pro hac vice)
38 2021 McKinney Avenue, Suite 2000
39 Dallas, Texas 75201

40 STIPULATION AND ORDER REGARDING MOTION FOR CLASS
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44 **KELLER ROHRBACK L.L.P.**

45 1201 Third Avenue, Suite 3200
46 Seattle, WA 98101-3052
47 TELEPHONE: (206) 623-1900
48 FACSIMILE: (206) 623-3384

1 Telephone: (214) 981-3401
2 Facsimile: (214) 981-3400
3 Email: yvette.ostolaza@sidley.com
4 Email: ygarcia@sidley.com

5
6 *Attorneys for Defendant Aspen American
7 Insurance Company*

8 **DLA PIPER LLP (US)**

9 By: s/ Anthony Todaro
10 By: s/ Lianna M. Bash
11 Anthony Todaro, WSBA No. 30391 Lianna
12 Bash, WSBA No. 52598
13 701 Fifth Avenue, Suite 6900
14 Seattle, Washington 98104-7029
15 Tel: 206.839.4800
16 Fax: 206.839.4801
17 E-mail: anthony.todaro@us.dlapiper.com
18 E-mail: lianna.bash@us.dlapiper.com

19 **PAUL, WEISS, RIFKIND, WHARTON &
20 GARRISON LLP**

21 By: s/ H. Christopher Boehning
22 By: s/ Elizabeth M. Sacksteder
23 By: s/ Daniel H. Levi
24 By: s/ Hallie S. Goldblatt
25 H. Christopher Boehning (pro hac vice)
26 Elizabeth M. Sacksteder (pro hac vice)
Daniel H. Levi (pro hac vice)
Hallie S. Goldblatt (pro hac vice)
1285 Avenue of the Americas
New York, New York 10019-6064
Tel: 212.373.3000
Fax: 212.757.3990
E-mail: cboehning@paulweiss.com
E-mail: esacksteder@paulweiss.com
E-mail: dlevi@paulweiss.com
E-mail: hgoldblatt@paulweiss.com

27 *Attorneys for Defendants Valley Forge Insurance
28 Company and Transportation Insurance Company
29 FORSBERG & UMLAUF, P.S.*

30 By: s/ Matthew S. Adams
31 Matthew S. Adams
32 901 Fifth Avenue, Suite 1400
33 Seattle, WA 98164

34 STIPULATION AND ORDER REGARDING MOTION FOR CLASS
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36 BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
37 2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 8

38 **KELLER ROHRBACK L.L.P.**

39 1201 Third Avenue, Suite 3200
40 Seattle, WA 98101-3052
41 TELEPHONE: (206) 623-1900
42 FACSIMILE: (206) 623-3384

1 Telephone: 206-689-8500
2 Fax: 206-689-8501
Email: madams@foum.law

3 **STEPTOE & JOHNSON LLP**

4 Sarah D. Gordon (*pro hac vice* forthcoming)
1330 Connecticut Avenue, NW
5 Telephone: (202) 429-3000
Facsimile: (202) 429-3902
6 Email: sgordon@steptoe.com

7 Anthony J. Anscombe (*pro hac vice*
forthcoming)
One Market Plaza
8 Spear Tower, Suite 3900
9 San Francisco, CA 94105
Telephone: (415) 365-6700
10 Facsimile: (312) 577-1370
11 Email: aanscombe@steptoe.com

12 *Attorneys for Defendants Sentinel Insurance
Company, Ltd. and Hartford Casualty Insurance
Company*

13 **BAKER & HOSTETLER LLP**

14 By: s/ James R. Morrison
15 James R. Morrison, WSBA No. 43043
999 Third Avenue, Suite 3900
16 Seattle, WA 98104-4040
Phone: (206) 332-1380
17 E-mail: jmorison@bakerlaw.com

18 **ALSTON & BIRD LLP**

19 By: s/ Cari K. Dawson
20 Cari K. Dawson (*pro hac vice*) Kara
F. Kennedy (*pro hac vice*)
21 1201 W. Peachtree St.
Atlanta, GA 30309
22 Phone: (404) 881-7000
Email: cari.dawson@alston.com
Email: kara.kennedy@alston.com

23 *Attorneys for Defendants American Fire and
Casualty Company, The Ohio Casualty Insurance
Company, and Ohio Security Insurance Company*

24 STIPULATION AND ORDER REGARDING MOTION FOR CLASS
25 CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-
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2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 9

26 **KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

BULLIVANT Houser Bailey, PC

By: s/ John D. Bennett

John A. Bennett, WSBA #33214
Stuart D. Jones (pro hac vice)
925 Fourth Avenue, Ste. 3800
Seattle, Washington 98104
Telephone: (206) 292-8930
E-mail: john.bennett@bullivant.com
E-mail: stuart.jones@bullivant.com

WIGGIN AND DANA LLP

By: s/ Michael Menapace

Michael Menapace (pro hac vice)
Robyn Gallagher (pro hac vice)
20 Church Street
Hartford, Connecticut 06103
Tel.: (860) 297-3700
E-mail: mmenapace@wiggin.com
E-mail: rgallagher@wiggin.com

*Attorneys for Defendant Massachusetts Bay
Insurance Company*

By: s/ Daniel R. Bentson

By: s/ Owen R. Mooney

Daniel R. Bentson, WSBA #36825 Owen
R. Mooney, WSBA #45779
925 Fourth Avenue, Ste. 3800
Seattle, Washington 98104
Telephone: (206) 292-8930
E-mail: dan.bentson@bullivant.com
E-mail: owen.mooney@bullivant.com

ROBINSON & COLE LLP

By: s/ *Wystan M. Ackerman*

Wystan M. Ackerman (pro hac vice)
Stephen E. Goldman (pro hac vice)
280 Trumbull Street
Hartford, CT 06103
Telephone: (860) 275-8388
Email: wackerman@rc.com
Email: sgoldman@rc.com

STIPULATION AND ORDER REGARDING MOTION FOR CLASS CERTIFICATION (Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 10

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

1
2 *Attorneys for Defendants Travelers Casualty*
3 *Insurance Company of America, The Travelers*
4 *Indemnity Co. of America, and The Charter Oak*
5 *Fire Insurance Company*

6
7 **BULLIVANT HOUSER BAILEY, PC**
8

9 By: s/ John A. Bennett
10

11 John A. Bennett, WSBA #33214
12 Stuart D. Jones (pro hac vice)
13 925 Fourth Avenue, Ste. 3800
14 Seattle, Washington 98104
15 Telephone: (206) 292-8930
16 E-mail: john.bennett@bullivant.com
17 E-mail: stuart.jones@bullivant.com

18 **STEPTOE & JOHNSON LLP**
19

20 By: s/ Antonia B. Ianniello
21

22 Antonia B. Ianniello (pro hac vice)
23 1330 Connecticut Avenue, N.W.
24 Washington, D.C. 20036
25 Telephone: (202) 429-8087
26 Facsimile: (202) 429-3902
27 Email: aianniello@steptoe.com

28 By: s/ Darlene K. Alt
29

30 Darlene K. Alt (pro hac vice)
31 227 West Monroe Street, Ste.
32 4700 Chicago, Illinois 60606
33 Telephone: (312) 577-1262
34 E-mail: dalt@steptoe.com

35 *Attorneys for Defendant Tri-State Insurance*
36 *Company of Minnesota*
37 4833-1011-8358, v. 1

38
39
40
41
42
43
44
45
46
47
48
49
50
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78 BJR; 2:20-cv-05437-BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR;
79 2:20-cv-00597-BJR; 2:20-cv-01176-BJR; 2:20-cv-0661-BJR) - 11

79 **KELLER ROHRBACK L.L.P.**

80 1201 Third Avenue, Suite 3200
81 Seattle, WA 98101-3052
82 TELEPHONE: (206) 623-1900
83 FACSIMILE: (206) 623-3384